

Clarke County

**PLANNING COMMISSION
REGULAR MEETING MINUTES
DECEMBER 7, 2012**



A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Town/County Joint Government Center, Berryville, Virginia, on Friday, December 7, 2012.

ATTENDANCE

Anne Caldwell, Vice Chair; Clay Brumback, Robina Bouffault, Tom McFillen, Cliff Nelson, Chip Steinmetz, Richard Thuss and Jon Turkel.

STAFF

Brandon Stidham, Planning Director; Alison Teetor, Natural Resource Planner; and Debbie Bean, Recording Secretary.

ABSENT

George Ohrstrom, II, Scott Kreider and John Staelin

CALLED TO ORDER

Vice Chair Caldwell called the meeting to order at 9:04 a.m.

APPROVAL OF AGENDA

The Commission voted to approve the agenda.

Yes: Bouffault, Brumback, Caldwell, McFillen (moved), Nelson, Steinmetz (seconded), Thuss and Turkel

No: No one

Absent: Kreider, Ohrstrom and Staelin

APPROVAL OF MINUTES

The Commission voted to approve the briefing meeting minutes of October 30, 2012.

Yes: Bouffault (moved), Brumback, Caldwell, McFillen, Steinmetz, Thuss (seconded) and Turkel

No: No one

Absent: Kreider, Ohrstrom and Staelin

Abstain: Nelson

The Commission voted to approve the regular meeting minutes of November 2, 2012.

Yes: Bouffault (seconded), Brumback, Caldwell, McFillen, Nelson (moved), Steinmetz, Thuss and Turkel

No: No one

Absent: Kreider, Ohrstrom and Staelin

ZONING ORDINANCE TEXT AMENDMENT TA-12-05 – SET PUBLIC HEARING

Proposed text amendment to add a new section, §3-E-3-e-5, Approval Expiration, to the Clarke County Zoning Ordinance. The purpose of the text amendment is to limit the validity of Certificates of Appropriateness issued by the Historic Preservation Commission to five years and to establish a process for certificate holders to request reasonable time extensions based on established criteria. The new process would mirror the current process for approval expiration of site plans.

Mr. Stidham explained this request. He stated that the proposed text amendment is being forwarded to the Planning Commission at the request of the Historic Preservation Commission (HPC). He said that the HPC expressed interest in establishing a fixed term for the validity of Certificates of Appropriateness that are issued for construction projects with Historic Districts. He stated that property owners could delay starting their projects for several years. He said that currently Certificates of Appropriateness do not expire and any regulations that are adopted after the HPC approves a Certificate cannot be applied even if the project is started after the regulations are changed. He stated that by creating a fixed term and expiration date for a Certificate it would allow these projects to be reconsidered subject to any new regulations that were adopted since the Certificate was first issued. He said that if adopted the new approval expiration provision would apply to all new Certificates that are issued after the adoption date. After discussion with staff and the Commission, Vice Chair Caldwell called for a motion.

The Commission voted to set public hearing for the January 11, 2013 Planning Commission meeting.

Yes: Bouffault, Brumback, Caldwell, McFillen (moved), Nelson (seconded), Steinmetz, Thuss and Turkel

No: No one

Absent: Kreider, Ohrstrom and Staelin

REZONING (ZONING MAP AMENDMENT) RZ-12-02 -- PUBLIC HEARING

Daniel P. and Kristine D. Hamilton request the rezoning of a 4,965 square foot portion of a 20,252 square foot parcel from Forestal-Open-Space Conservation (FOC) to Rural Residential (RR). The purpose of the request is to rezone all of the subject property to the RR District. The parcel became split-zoned FOC and RR following a boundary line District, and is referenced as Tax Map Parcel 17A1-4-26.

Mr. Stidham explained this request. He gave a power point presentation and showed views of the subject property. He stated that the request is for a rezoning of a 4,965 square foot portion of a 20,252 square foot parcel from Forestal Open-Space Conservation to the RR district. He said that the parcel became split-zoned FOC and RR following a boundary line adjustment. He said that the Shenandoah Retreat Land Corporation ("the Corporation") recently agreed to a boundary line adjustment with Daniel and Kristine Hamilton. He stated that this was necessary because it was discovered that the Hamilton's home encroached on the Corporation's parkland area. He stated that the amount of land that was transferred to the Hamilton's property from the Corporation is currently zoned FOC. He said that since the Hamilton's property is zoned RR, their property is now split zoned following recordation of the boundary line adjustment. He stated that one of the major issues in reviewing these types of cases is determining whether the rezoning would increase the property's capacity for development in addition to correcting the split-zoning issues. He said

that the area of the subject property is being increased from 15,287 square feet to 20,252 square feet. He stated that since the minimum lot size is one acre, the property remains a nonconforming lot and cannot be further subdivided and that its capacity for development is not being increased. After discussion with staff and the Commission, Vice Chair Caldwell asked for public comments.

There being no public comments, Vice Chair Caldwell closed the floor for public comments.

The Commission voted to recommend approval of this request to the Board of Supervisors.

Yes: Bouffault (seconded), Brumback, Caldwell, McFillen, Nelson, Steinmetz, Thuss and Turkel
(moved)

No: No one

Absent: Kreider, Ohrstrom and Staelin

Board/Committee Reports

Board of Supervisors (John Staelin)

No report.

Sanitary Authority

No Report.

Board of Septic & Well Appeals (John Staelin)

No Report.

Board of Zoning Appeals (Anne Caldwell)

No report.

Historic Preservation Commission (Cliff Nelson)

Ms. Teetor reported that the Commission has been working with a couple of bridges that are being considered for replacement that may have historical significance. She stated that the Commission is also working on updating the driving tour maps. She said the next meeting is scheduled for January 22, 2013.

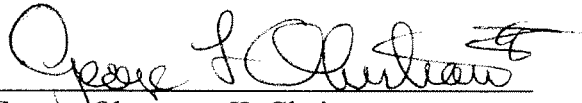
Conservation Easement Authority (George Ohrstrom, II)

Ms. Teetor stated that the Authority has a few closings they are hoping to have completed by the first of the year.

Other

Mr. Stidham stated that regarding the proposed Rezoning request for the 340 Cigarette Outlet he met with Evan Wyatt of Greenway Engineering. Mr. Wyatt is the agent for the applicant and he said Mr. Wyatt is working on the deadlines to see if the outstanding issues can be resolved for the January 11, 2013 Planning Commission meeting. He stated that the information needs to be in the Planning Department office by close of business on December 21, 2012. He said he will notify the Planning Commission when he hears from Mr. Wyatt.

There being no further discussion, the regular meeting was adjourned at 9:18 a.m. to a workshop for the Comprehensive Plan. The next regular meeting of the Commission is scheduled for January 11, 2013.



George Ohrstrom, II, Chair



Brandon Stidham, Planning Director

Minutes prepared by Debbie Bean, Recording Secretary